

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

THE DONALD J. TRUMP REVOCABLE  
TRUST, DJT HOLDINGS, LLC, a Delaware  
limited liability company, DJT HOLDINGS  
MANAGING MEMBER, LLC, a Delaware  
limited liability company, DTTM  
OPERATIONS, LLC, a Delaware limited  
liability company, and ERIC TRUMP,  
an individual,

Case No. 1:25-cv-21596-RKA

Plaintiffs,

vs.

CAPITAL ONE, N.A., a Virginia  
Corporation,

Defendant.

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**PLAINTIFFS' UNOPPOSED MOTION FOR CLARIFICATION ON  
THE DEADLINE TO RESPOND TO DEFENDANT'S  
MOTION TO DISMISS COMPLAINT [D.E. 15]**

Plaintiffs The Donald J. Trump Revocable Trust, DJT Holdings, LLC, DJT Holdings Managing Member, LLC, DTTM Operations, LLC, and Eric Trump (collectively, "Plaintiffs") by and through undersigned counsel, hereby file this Unopposed Motion for Clarification on the Deadline to Respond to Defendant Capital One, N.A.'s Motion to Dismiss Complaint [D.E. 15].

In support, Plaintiffs state as follows:

1. On April 8, 2025, Defendant Capital One, N.A. ("Defendant") filed its *Expedited* Motion for Extension of Time to Respond to the Complaint ("Expedited Motion") [D.E. 7].
2. The Expedited Motion set forth a briefing schedule for Defendant to respond to the Complaint, which allowed Defendant until May 7, 2025, to respond to the Complaint and if Defendant's response was a Motion to Dismiss, Plaintiffs would be entitled to respond by June 6,

2025, and Defendant may reply by June 20, 2025.

3. On April 9, 2025, the Court issued an Order on the Expedited Motion [D.E. 9] approving Defendant's proposed briefing schedule:

PAPERLESS ORDER granting [7] Expedited Motion for Extension of Time to Respond to the Complaint. The Defendant shall respond to the Plaintiffs' Complaint by May 7, 2025. If the Defendant files a motion to dismiss, the Plaintiffs shall respond to the motion to dismiss by June 6, 2025, and the Defendant may file its reply to the response by June 20, 2025. Signed by Judge Roy K. Altman on 4/9/2025.

D.E. 9.

4. On May 7, 2025, Defendant filed its Motion to Dismiss the Complaint ("Motion to Dismiss") [D.E. 15].

5. Upon filing the Motion to Dismiss, the Court issued an electronic automatic message that generated a May 21, 2025, deadline in an ECF Notice consistent with S.D. Fla. Local Rule 7.1(c), which generally requires a response to a pending motion within fourteen days. *See* S.D. Fla. L.R. 7.1(c)(1).

6. As a result, there is a conflict between the deadlines in the Court's April 9, 2025, Order and its May 7, 2025, electronic automatic message.

7. Therefore, Plaintiffs request that this Court issue an Order clarifying that the June 6, 2025, deadline to respond to Defendant's Motion to Dismiss applies and governs over the May 7, 2025, automatic message issued by the Court.

8. This Motion is brought in good faith and is not being made for purposes of delay or any other improper or dilatory purpose.

**CERTIFICATE OF GOOD FAITH CONFERENCE PURSUANT TO LOCAL RULE 7.1**

Pursuant to S.D. Fla. L. R. 7.1(a)(3), the undersigned counsel certifies that he conferred via email with Defendant's counsel, Erich O. Grosz, Esq., on May 19, 2025, regarding the relief requested in this Motion, and Defendant's counsel confirmed that Defendant does not oppose the requested relief.

**WHEREFORE**, Plaintiffs The Donald J. Trump Revocable Trust, DJT Holdings, LLC, DJT Holdings Managing Member, LLC, DTTM Operations, LLC, and Eric Trump respectfully request that this Court enter an Order clarifying that Plaintiffs' Response to the Motion to Dismiss is due on June 6, 2025, and that Defendant's Reply thereto is due June 20, 2025, and granting such other and further relief as this Court deems just and proper.

Dated May 20, 2025

Respectfully submitted,

**BRITO, PLLC**

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed on this 20<sup>th</sup> day of May 2025 through the Florida Courts E-filing Portal upon:

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By: /s/ Alejandro Brito